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Newport Beach, CA 92660

In re Application of :
HAMILTON, Colin Henry, et al. :
Application No.: 10/070,870 :
PCT No.: PCT/AU00/01052 : DECISION ON
Int. Filing Date: 04 September 2000 :
Priority Date: 02 September 1999 : PETITION UNDER
Attorney Docket No.: DUMME18.001APC :
For: DISPENSING SACHET BY : 37 CFR 1.47(a)
BENDING AND METHOD OF :
SACHET MANUFACTURE :
:

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.47(a)," filed in the United States Patent and Trademark Office (USPTO) on 21 November 2003.

BACKGROUND

On 04 September 2000, applicants filed international application PCT/AU00/01052, which claimed a priority date of 02 September 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 March 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 26 March 2001, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 March 2002 (02 March 2002 was a Saturday).

On 04 March 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 07 May 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 14 November 2002, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a petition for a four-month extension of time; the fee for a four-month extension of time; a declaration of inventorship and a statement of facts.

On 19 June 2003, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 21 November 2003, applicants submitted the instant renewed petition accompanied by the fee for a three month extension of time and a certificate of first class mailing indicating that the submission was deposited on 19 November 2003.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant

Items (1), (2) and (4) were previously satisfied.

Item (3) has now been satisfied. The last known address of Mr. Colin Henry Hamilton is listed as 10a Elouera Road; Cronulla, New South Wales; Australia 2230.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordance of a 35 U.S.C. §§371(c)(1), (c)(2) and (c)(4) date of 14 November 2002.



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For: DISPENSING SACHET BY BENDING AND METHOD OF SACHET
MANUFACTURE

Dear Mr. Hamilton:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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